

REMARKS

Reconsideration and allowance of the captioned application are respectfully requested. The claims in the application are claims 14-17.

At the outset, the undersigned thanks the Examiner for a telephone conversation of November 14, 2001. In that telephone conversation, it was determined that the mis-numbering of claims mentioned in the Office Action occurred because in applicant's Preliminary Amendment of July 2, 2001, it was stated that claims 1-15 were cancelled, when in fact, only claims 1-13 were present to be cancelled. The next consecutive claim number then, is claim 14. This claim numbering is now being followed as can be seen in the present amendment.

Claims 14-17 have been rejected under 35 USC §112 for having an unclear ratio of component (a) to (b). This has been clarified by correcting these ratios as can be seen above. Support for this amendment may be found throughout the specification, as for example, at page 5, lines 1-5 of the specification. Note that the ratios are reversed and are expressed as (b) to (a) in this part of the specification. In view of this amendment, withdrawal of this rejection under 35 USC §112 is respectfully requested.

Claim 17 has been rejected under 35 USC §112 for depending from a cancelled claim. This has been corrected by the above amendment which makes claim 17 dependent from claim 14. Withdrawal of this rejection under 35 USC §112 is respectfully requested.

Claims 14-17 have been rejected under 35 USC §112 on the grounds that the term "vinyl-based" and "acrylic-based" are not art recognized terms and therefore, not sufficiently definite under 35 USC §112. The applicants submit that "vinyl-based" and "acrylic-based" are indeed art recognized terms. Nevertheless, to speed the prosecution of this case, applicants are making the above amendments. Specifically,

this rejection has been obviated by the amendment of claims 14-17 to recite "Polymer 1189 and Polymer 1163". Support for this amendment may be found throughout the specification, as for example at page 6 and page 24-26. Applicants reserve the right to prosecute the subject matter that is being cancelled, in continuing applications.

Claims 14-17 have been rejected under 35 USC §102(b) as being anticipated by the '269 patent. More specifically, the '269 patent fails to disclose hair styling polymers comprising the specifically recited polymers in the claims as amended; a saccharide; and a carrier in the recited weight ratios. Note that column 4, lines 25-26 of the '269 patent do not disclose Polymer 1163 and Polymer 1189. Therefore, a rejection under 35 USC §102(b) for the claims as amended would not be proper and withdrawal of this rejection is respectfully requested.

Nor are the amended claims obvious in view of the art since the '269 patent fails to disclose the particular weight ratios of components (a) to (b) and the particular acrylic and vinyl based resins now recited. Therefore, withdrawal of this rejection is again requested.

With respect to the double patenting rejection over the claims 1-11 of copending application, U.S. S/N 09/275,149, it is noted that claims in neither application have been indicated to be allowable. When an indication of allowability is made, the applicants reserve the right to make any necessary Terminal Disclaimers to overcome any outstanding double-patenting rejections.

Since all of the claims are in proper form and have been patentably distinguished over the publications of record, an early Notification of Allowance is respectfully requested.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with markings to show changes made".

If a telephone conversation would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims

Claim 14 has been amended as follows:

14. (Amended) A ~~hair styling polymer~~ hair styling composition comprising:
- (a) from about 0.04% to about 1.5% active of a holding polymer selected from the group selected from the group consisting of ~~a vinyl-based resin and an acrylic-based resin~~ Polymer 1163 and Polymer 1169;
 - (b) a saccharide with greater than 55 monomer units; and is selected from the group consisting of hydroxyethyl cellulose, and polyglucose saccharide; and
 - (c) a carrier selected from the group consisting of methanol, ethanol, n-propanol, isopropanol, and a mixture thereof; and
- wherein the ratio of (a) to (b) is about 1.0:2.2 to about ~~1.0:04~~ 1.0:0.1.

Claim 15 has been amended as follows:

15. (Amended) A ~~hair styling polymer~~ hair styling composition according to claim 14, wherein the ratio of (a) to (b) is about 1.0:1.25 to about 1.0:0.1.

Claim 16 has been amended as follows:

16. (Amended) A ~~hair styling polymer~~ hair styling composition according to claim 1, wherein the ratio of (a) to (b) is about 1.0:0.7.